

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.37652 of 2013

ORDER:

There is no representation on behalf of the petitioner.

The prayer sought in the writ petition is as under:

“... Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus to declare the action of the respondent No.3 in involving the civil disputes between the petitioner and 4th respondent herein and obtaining cheque forcefully from the petitioner vide No.040775 for Rs.80,00,000/- (Rupees Eighty lakhs only) drawn on Axis Bank Ltd., Kakinada and trying to file false cases at the instance of the respondent No.4 and his associates by using the signed cheque bearing No.040775, drawn on Axis Bank Ltd., Kakinada, E.G. District as illegal, arbitrary and violative of principles of natural justice and contrary to Article 21 of the Constitution of India, consequently direct the respondent No.3 not to harass and register any false criminal cases against the petitioner by misusing the above said cheque, pending disposal of the writ petition.”

The main allegation in the writ petition is that the 3rd respondent is interfering with the civil disputes between the petitioner and the 4th respondent.

The learned Government Pleader appearing for respondent Nos.1 to 3 filed a counter affidavit on behalf of the 3rd respondent, wherein it is stated that one Mr. B. Srinivas Rao, s/o. Veeraraju filed a private complaint under Section 200 Cr.P.C., against (1) Seru Chinna, partner of the petitioner, (2) Mr. Bade Venkateswara Rao and (3) Manzour Razac on the file of the Special Mobile Judicial First Class Magistrate at Kakinada. The said complaint was referred to the concerned police under Section 156 (3) Cr.P.C. Thereafter, Crime No.58 of 2013 was registered for the offence under Sections 420, 448, 437 and 380 read with Section 34 IPC on the file of the Port Police Station, Kakinada. In the said complaint, the complainant has stated that the accused in the private complaint in furtherance of their common intention having high

handed behaviour cheated him to sell away his vessel M.F.V. Madhavi for Rs.41 lakhs and wrote agreement on 11.07.2011 and gave a cheque. During the course of investigation, the Investigating Officer examined the complainant and other witnesses and recorded their detailed statements. Basing on the evidence available on record, the said Chinna was arrested by the Investigating Officer on 04.01.2013 and later remanded to judicial custody. The investigation is pending for examination of some more witnesses and for collection of material evidence. Charge sheet will be filed after completion of the investigation. In the light of the same, the contention raised by the petitioner that the respondent police are interfering with the civil disputes between him and the 4th respondent is not correct.

In the light of above said statements made in the counter affidavit, this Court is of the opinion that no further orders are required in the writ petition.

Accordingly, the writ petition is closed.

Miscellaneous petitions, if any, shall also stand closed.

P. KESHAVA RAO, J

Date: 06.11.2018.
ES